

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
(HOUSTON DIVISION)

LINDSAYCA USA, INC., a Texas corporation,

CASE NO. 4:21-CV-00037

Plaintiff/Garnishor,

vs.

PETROLEOS DE VENEZUELA, S.A.,  
a Venezuelan entity,  
PDVSA SERVICES, INC.,  
a Delaware corporation, and  
BARIVEN, S.A., a Venezuelan entity,

Defendants/Judgment Debtors.

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**APPLICATION FOR WRIT OF  
GARNISHMENT AFTER JUDGMENT**

**NOW COMES** Plaintiff, **LINDSAYCA USA, INC.**, by and through its undersigned counsel, and files this Application for Writ of Garnishment pursuant to Fed. R. Civ. P. 64 & 69, Tex. R. Civ. P. 658, Tex. Civ. Prac. & Rem. Code §§ 63.001 *et seq.*, and Tex. Fin. Code §59.008. As ground for the Writ, Plaintiff, **LINDSAYCA USA, INC.**, shows the Court the following:

**I. PARTIES**

Defendant, **PETROLEOS DE VENEZUELA, S.A.**, is a Venezuelan entity, with a registered address with the Secretary of State in Texas, P.O. Box 12079, Austin, Texas, 78711-2079.

Defendant, **BARIVEN, S.A.**, is a Venezuelan entity, with a registered address with the Secretary of State in Texas, P.O. Box 12079, Austin, Texas, 78711-2079.

Garnishee, **CITGO HOLDING, INC., d/b/a CITGO PEROLEUM CORP, (“CITGO”)**, is the indirect subsidiary of U.S. based PDV Holding, a non-operating holding company incorporated in Delaware and headquartered in Texas, 1293 Eldridge Parkway, Houston, Texas 77077.

The Judgment Debtors are:

**PETROLEOS DE VENEZUELA, S.A.**  
Aveajda Libertador con calle El Empalme,  
Complejo MinPetroleo - PDVSA, La Campina, Caracas, Venezuela.

**BARIVEN, S.A.**  
Avenida Libertador, Edificio PDVSA Torre Este,  
Piso 6, Urbanizacion La Campina, Caracas, Venezuela.

Service of copy of the Writ of Garnishment may be effectuated by serving counsel for judgment debtors, through the Hague Convention.

## **II. SUMMARY OF ACTION**

This is a garnishment action to enforce a judgment entered by this Court against Defendants, **PETROLEOS DE VENEZUELA, S.A.**, and **BARIVEN, S.A.**, (collectively, “Defendants” or “Judgment Debtors”), in the case styled *Lindsayca, USA, Inc., v. Petroleos De Venezuela, S.A., et al.*, Case No. 4:21-CV-00037, in the Southern District of Texas, Houston Division. Defendants are believed to have assets in the possession of **CITGO HOLDING, INC., d/b/a CITGO PEROLEUM CORP**, (“CITGO or “Garnishee”).

### **III. ISSUANCE OF WRIT OF GARNISHMENT**

This is a request for a writ of garnishment against **CITGO**, to enforce this Honorable Court's judgment rendered against Defendants, **PETROLEOS DE VENEZUELA, S.A., and BARIVEN, S.A.**

On September 30, 2022, Judge George C. Hanks, Jr., in the United States District Court for the Southern District of Texas, in Civil Action 4:21-CV-00037, entered an Amended Final Judgment in which the Defendants/Judgment Debtors, **PETROLEOS DE VENEZUELA, S.A., and BARIVEN, S.A.**, are jointly and severally liable to Plaintiff/Garnishor, **LINDSAYCA USA, INC.**, in the amount of Seven Million Seven Hundred Ninety-Four Thousand, Four Hundred Fifty-Four Dollars and Three cents (\$7,794,454.03), with a post-judgment interest (4.08%) that accrues at the statutory rate from the date the judgment was entered. The judgment is final, valid, and remains wholly unsatisfied, and this claim is just, due, and unpaid. A copy of said judgment is attached as **Exhibit "A"**.

Fed. R. Civ. P. 62(a) provides for an automatic stay of execution on a judgment until thirty (30) days have passed from entry of judgment. More than thirty (30) days have passed since entry of judgment on September 30, 2022, in Case No. 4:21-CV-00037, and no party has obtained a stay by providing a bond or other appropriate security. As a result, execution on the judgment against the Defendants is now ripe.

Said judgment is valid and subsisting and remains unsatisfied. See **Exhibit "B"**, the affidavit of George J. Vila, Esq., a person having personal knowledge of the relevant facts.

To the Plaintiff's knowledge, the Judgment Debtors do not possess property in Texas subject to execution sufficient to satisfy the judgment.

Plaintiff has reason to believe and does believe, that Garnishee, **CITGO**, has property or effects belonging to the Defendants/Judgment Debtors or is indebted to the Defendants/Judgment Debtors

Pursuant to Fed. R. Civ. P. 64, the remedies of the State of Texas are available for the seizure of property for the purpose of securing satisfaction of Plaintiff, **LINDSAYCA USA, INC.’s**, judgment. The applicable statutes and rules of issuance of a writ of garnishment under Texas law are set forth in Tex. Civ. Prac. & Rem. Code. §§ 64.001, *et seq.*

Plaintiff, **LINDSAYCA USA, INC.**, is entitled to the issuance of a writ of garnishment on the grounds stated above and in the attached affidavit of George J. Vila, Esq., (See Exhibit “B”).

This Application for Writ of Garnishment is not sought to injure or harass either judgment debtor of Garnishee. Because Plaintiff seeks a Writ of Garnishment after an entry of final judgment against debtors, Plaintiff is not required to file a bond for garnishment.

**WHEREFORE**, Plaintiff, **LINDSAYCA USA, INC.**, respectfully request that a Writ of Garnishment be issued against Garnishee, **CITGO**, and that Plaintiff, **LINDSAYCA USA, INC.**, be granted judgment against Garnishee to satisfy the judgment against Defendants, **PETROLEOS DE VENEZUELA, S.A., and BARIVEN, S.A.**, as Judgment Debtors, and as provided by law, together with such order and further relief to which Plaintiff, **LINDSAYCA USA, INC.**, may be justly entitled.

Respectfully submitted,

**GEORGE J. VILA, P.A.**

George J. Vila, Esq.

Florida Bar No. 141704

201 Alhambra Circle, Suite 702

Coral Gables, FL 33134

Telephone: 305.445.2540

Email: [gvila@gjvpa.com](mailto:gvila@gjvpa.com)

/s/ George J. Vila

George J. Vila, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of June, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

# EXHIBIT

# A

**ENTERED**

September 30, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LINDSAYCA USA, INC.,

Plaintiff.

VS.

PETROLEOS DE VENZUELA, S.A.,  
*et al.*,

Defendants.

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CIVIL ACTION NO. 4:21-CV-00037

**AMENDED FINAL JUDGMENT**

Pursuant to the Court's Order Adopting Magistrate Judge's Memorandum and Recommendation, it is ordered that Petroleos de Venezuela, S.A. and Bariven, S.A. are jointly and severally liable to Lindsayca USA, Inc., in the amount of \$7,794,454.03. Post-judgment interest will accrue at the statutory rate on the date judgment is entered.

This is a final judgment.

It is ordered that plaintiff shall, at its own cost and consistent with the requirements of 28 U.S.C. § 1608(e), send a copy of Judge Edison's Memorandum and Recommendation (Dkt. 42), the Order Adopting Magistrate Judge's Memorandum and Recommendation (Dkt. 45), the Entry of Default (Dkt. 46), and this judgment to defendants and provide proof of service of the same.

SIGNED at Houston, Texas on September 30, 2022.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE

# EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
(HOUSTON DIVISION)

LINDSAYCA USA, INC., a Texas corporation,

CASE NO. 4:21-CV-00037

Plaintiff/Garnishor,

vs.

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a Venezuelan entity,  
PDVSA SERVICES, INC.,  
a Delaware corporation, and  
BARIVEN, S.A., a Venezuelan entity,

Defendants/Judgment Debtors.

**AFFIDAVIT FOR WRIT OF GARNISHMENT AFTER JUDGMENT**

STATE OF FLORIDA       )  
                                      )  
COUNTY OF MIAMI-DADE )

BEFORE ME, the undersigned authority on this date personally appeared **GEORGE J. VILA, ESQ.**, who being by me duly sworn on oath stated:

1. I am the only duly authorized agent for Plaintiff/Garnishor, Lindsayca USA, Inc. I have personal knowledge of the facts stated in this affidavit, and they are true and correct. I am authorized to make this affidavit and application for a Writ of Garnishment.

2. Garnishor owns a judgment against Defendants, Petroleos de Venezuela, S.A., and Bariven, S.A. The judgment was rendered and registered on September 30, 2022, in the United States District Court for the District of Texas. The judgment is valid, subsisting, and a supersedeas bond has not been approved and filed to suspend execution of the judgment. The full amount of the judgment is Seven Million Seven Hundred Ninety-Four Thousand, Four Hundred Fifty-Four Dollars and Three cents

(\$7,794,454.03), with interest on all sums at the rate of point 4.08% from the date of judgment is now due and unpaid on the judgment.


3. Within my knowledge, the Defendants do not possess property within this state that is subject to execution, which would be sufficient to satisfy the judgment. This garnishment is not sued out to injure either Defendant or Garnishee.

4. I have reason to believe and do believe, that Garnishee, Citgo Holding, Inc., d/b/a Citgo Petroleum Corp., has property or effects belonging to the Defendants or is indebted to the Defendants.

FURTHER AFFIANT SAYETH NAUGHT

  
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GEORGE J. VILA, ESQ.

SWORN AND SUSBScribed before me this 18<sup>th</sup> day of June, 2024, by GEORGE J. VILA, ESQ., who is personally known to me and did take an oath.

  
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Signature of Notary Public

Commission No. HH047378

My Commission Expires: 9/28/2024



Annette G. Bestard  
Comm. #HH047378  
Expires: Sept. 28, 2024  
Bonded Thru Aaron Notary